

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

CR-22-140-BLG-SPW

Plaintiff,

vs.

DEAN ALAN SMITH,  
Defendant.

Before the Court is Defendant Dean Alan Smith's Motion in Limine (Doc. 85). Smith asks the Court to exclude evidence of the Government's investigation into Smith and his wife for allegedly embezzling from the church where Smith was a pastor as overly prejudicial under Federal Rule of Evidence 403. (Doc. 86). In response, the Government agreed to not bring in evidence about the investigation in its case-in-chief. (Doc. 96 at 5). However, the Government wants to maintain the right to introduce evidence of the investigation on cross-examination if Smith or his wife testifies to their work at the church. (*Id.*). As such, the Government asks the Court to reserve any ruling for trial. (*Id.*). Smith did not file a reply.

Given the Government's response, the Court grants Smith's motion as to the Government's use of any evidence related to the fraud investigation, except as to its use on cross-examination of Smith and/or his wife if they testify as to their work at

the church. The Court will reserve ruling on the admissibility of the evidence for this purpose for trial.

DATED this 16<sup>th</sup> day of November, 2023.

Susan P. Watters  
SUSAN P. WATTERS  
UNITED STATES DISTRICT JUDGE